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L GOVERNANCE OF VOCATIONAL EDUCATION
IN MONTANA

REPORT TO
THE INTERIM SUBCOMMITTEE ON EDUCATION

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*"But tell me, with what eyes shall
I look, and what ears shall I use
to listen?" (Anonymous, circa 1414)*

A beginner to questions of vocational education governance must surely ask himself "Who's in charge here?" It is a good question - and an almost impossible one to answer. In part, the difficulty in answering the question stems from the kaleidoscope of laws, boards, councils and programs involved in vocational education. It also stems partly from competing desires for a balance between centralization, coordination, accountability and control on the one hand and community involvement, flexibility and autonomy on the other. Many states are experiencing these difficulties. Montana is no exception.

Regardless of the difficulties, it is important to note that vocational education is not new to Montana. Its impact was limited, however, prior to 1963. Vocational education in Montana was confined basically to secondary course offerings in agriculture, home economics and industrial and trade programs. Postsecondary vocational education was taught in a few programs at Northern Montana College and the Helena public schools. However, in the two score years since passage of the federal Vocational Education Act of 1963, vocational education has expanded to include 9 junior high schools, 121 high schools, 5 postsecondary vocational-technical centers, 3 community colleges, 6 state institutions, 1 four-year college and 2 universities.⁽¹⁾ In 1976, 25,680 students were enrolled in federally approved and reimbursed secondary vocational education programs in Montana. Postsecondary programs included 4,940 students. Of these, 3,559 students received training at the

state's five vocational-technical centers. The three community colleges and Northern Montana College provided training for the remaining 1,068 students. In addition, enrollment in teacher training, adult education and programs for the disadvantaged and handicapped greatly expanded during the period.⁽²⁾

A description of the vocational education program offerings in Montana helps one to envision the broad picture; it does not get one much closer to answering the troubling query - "Who's in charge?" The answer to that question is complex. Governance responsibilities for vocational education in Montana are divided among several authorities: (1) the Governor, (2) the legislature, (3) the State Board of Education, (4) the Board of Regents of Higher Education, (5) the Board of Public Education, (6) the Superintendent of Public Instruction, and (7) local school district trustees and boards.

(1) The Governor articulates executive branch proposals and policy in regard to education. His most direct responsibility is to appoint members who serve on the State Board of Education - comprised of the Regents and the Board of Public Education.

(2) The legislature plays a pivotal role in establishing the state's educational policies. As the "big school board", it enacts laws and sets basic fiscal policy for Montana's educational system. Regardless of the policy-making authority of a state board, that authority "always exists in the legal shadow cast by the state legislature."⁽³⁾ A corollary to this principle is that extensive involvement by the state legislature in educational policy-making will necessarily constrict the governance role a state board may play.

(3) The State Board of Education is a coordinative body made up of the Board of Regents of Higher Education and the Board of Public Education. As such, it is "responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems."⁽⁴⁾

(4) The Board of Regents of Higher Education constitutionally has "full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law."⁽⁵⁾ Montana's three community colleges are under the supervision of the Regents.⁽⁶⁾

(5) The Board of Public Education is constitutionally assigned the task of "general supervision over the public school system and such other public educational institutions as may be assigned by law."⁽⁷⁾ Statute establishes the Board of Public Education as the "governing board of the state of Montana for vocational education." 75-7702, R.C.M. 1947, directs the board to "adopt policies to effect the orderly development of a system of vocational education that is adaptable to changing needs, controlled to prevent unnecessary duplication, co-ordinated with federal guidelines and requirements for vocational education, and funded to insure growth and quality programming." This section of Montana law meets federal requirements that a state which desires to participate in federal vocational programs must

"designate or establish a State board or agency which shall be the sole State agency responsible for the administration, or for the supervision of the administration, of such programs."⁽⁸⁾

By statutory authority, the Board of Public Education has authority to set policy, fix budgets and programs, and to control expenditures.

(6) The Office of Superintendent of Public Instruction is provided for in the Montana Constitution of 1972. The method of selection for the Superintendent is by popular election. 75-7703, R.C.M. 1947, designates the Superintendent of Public Instruction as the executive officer of the Board of Public Education for the administration of laws related to vocational education. Statutes direct the Superintendent to perform various administrative and ministerial tasks.

(7) Local school district trustees and boards are constitutionally guaranteed "supervision and control of schools in each school district" in Article X, section 8 of the 1972 Montana Constitution. 75-7710, R.C.M. 1947, mandates that local trustees or governing boards of vocational-technical centers shall administer the centers according to state law, the policies of the Board of Public Education and the regulations of the Superintendent of Public Instruction.

Major Governance Problems

Numerous studies have addressed the questions of educational governance in Montana. One of the most recent was the 1974 Report of the Montana Commission on Post-Secondary Education.⁽⁹⁾ Published soon after adoption of the 1972 Montana Constitution, the Report focused upon Montana's current educational structure. Although the mandate of the legislature was broad, the Commission limited its consideration of vocational education governance only to the five postsecondary centers. The Commission's Report would have been considerably more useful had it investigated the entire vocational

education delivery system - from elementary to postsecondary vocational education. Nevertheless, the Commission did identify several problem areas which have general relevance to the entire governance structure. The Commission's Draft Report identified three basic problems with the governance structure which are worth close examination:

(1) Budget and program control are at the state board and superintendent level while administrative responsibility is in the hands of the local board and of center directors responsible to the local board.

(2) The taxpayers in the counties where the centers are located pay a one-mill levy to support the centers, despite the fact that the centers are charged with serving the entire state (as opposed to local or regional service areas). This, along with the administrative authority of the school district makes for a strong element of local control. The county levy also raises questions of equity: should the county in which a center with statewide service function is located pay a special tax? If so, should the same logic apply to counties with other state-oriented postsecondary institutions (e.g., units of the University System)?

(3) The Superintendent, an elected official, is the state board's executive officer for vocational education. While this situation has the advantage of providing a source of independent staff advice for the board, it also has the potential of creating management and accountability problems, particularly if philosophical or other differences between the board and the Superintendent should develop.⁽¹⁰⁾

The Commission concluded that the "major point concerning vocational-technical centers is that policy initiative is primarily at the local level in the hands of local administrators responsible to a local board which is responsible to local taxpayers."⁽¹¹⁾ The Commission questioned whether the centers could realize their full potential as state-wide institutions serving state-wide needs under such a structure. The Commission concluded that the inability to fully exploit the system's potential was "not a matter of incompetence or of individuals not doing their jobs, but rather of pressures and counter-pressures created by a fragmented system of governance."⁽¹²⁾

A fragmented system of governance leads to confusion. Two current examples of this should suffice to illustrate the problem. In May, 1977, teachers at the five vocational-technical centers negotiated with their local school boards for salary increases. Some of the salary increases were in excess of the legislature's budget appropriations for center salaries. The legislative budgets allocated only enough to pay center teachers on a par with state employees. The salary issue raised questions of whether vocational-technical center teachers were state or local employees. (13)

Likewise, Missoula Technical Center's application for \$1 million in federal EDA grant money for a new classroom building sparked a controversy as to whether the center was a local or a state institution. Missoula Deputy County Attorney Mike Sehestedt argued that the center was a state institution - even though governed by the Missoula County High School board of trustees - and, therefore, that the center was not eligible for EDA funds. The controversy may end in a court battle between the county commissioners and representatives of the vocational-technical center. (14)

Both of the preceding examples illustrate a lack of understanding or consensus as to the center's status. The fragmented governance structure does little to resolve such issues.

Another area of major importance for all levels of vocational education governance identified by the Draft Report of the Commission deserves scrutiny. This involves the relationship between the elected Superintendent of Public Instruction and the appointed Board of Public Education. By law, the Superintendent is the executive officer of the Board of Public Education for vocational education. Under this structure the Board has no latitude in

deciding who their chief executive officer should be for vocational education administration. In short, if the Board decided that the administrator was not carrying out their policies, it would have no authority to dismiss its executive officer. There is, therefore, the potential for conflict between the Board and the Superintendent vis-a-vis the perceived role and authority of the chief executive officer for vocational education.

The relationship between the Board of Public Education and the Superintendent of Public Instruction in Montana is not unlike that of other states. Forty-four of the 49 state boards of education supervise vocational education. Campbell and Mazzoni, in their recent study of state policy-making in public schools, note that "in practice, nearly all [chief state school officers] serve as executive officers of their respective state boards of education and as important professional advisors to the boards."⁽¹⁵⁾ Yet, the method of selection for chief state school officers differs substantially among the states. Eighteen chief state school officers were elected in 1975. This is a decrease since 1947 when 31 chief state school officers were elected to their office. There are numerous arguments - pro and con - for election vs appointment of chief state school officers.⁽¹⁶⁾ The arguments notwithstanding, the chart on page 8 indicates a strong national trend toward appointment as the selection method for chief state school officers.

The knowledge of what other state governance structures are aids in establishing a national perspective for Montana's system. But, it does not prescribe what Montana's arrangements should be. In the final analysis, Montanans will have to decide for themselves what balance should be struck between professional and public control.

STATE BOARDS OF EDUCATION AND CHIEF SCHOOL OFFICERS
FOR THE COMMON SCHOOL SYSTEMS, 1947 AND 1975*

State	Chief method of selecting state board						Chief method of selecting chief state school officer					
	Elected by people		Appointed by Governor		Other		Elected by people		Appointed by state board		Appointed by Governor	
	1947	1975	1947	1975	1947	1975	1947	1975	1947	1975	1947	1975
Alabama.....	★	★	★	★	★
Alaska.....	★	★	★	★
Arizona.....	★	★	★	★
Arkansas.....	★	★	★	★
California.....	★	★	★	★
Colorado.....	★	★	★	★
Connecticut.....	★	★	★	★
Delaware.....	★	★	★
Florida.....	★	★	★	★
Georgia.....	★	(a)	.....	★	★	.....	.....	.....	.....
Hawaii.....	★	★
Idaho.....	★	★
Illinois(c).....	★	★
Indiana.....	★	★	★
Iowa(c).....
Kansas.....	★	★	★
Kentucky.....	★	★
Louisiana.....	★	★
Maine(c).....
Maryland.....	★	★
Massachusetts.....	★	★	★
Michigan.....	★	★
Minnesota.....	★	(a)	.....	.....	.....	.....	.....	.....	.....
Mississippi.....	★
Missouri.....	★	★
Montana.....	★	★
Nebraska(c).....	★
Nevada.....	★	★
New Hampshire.....	★	★
New Jersey.....	★	★
New Mexico.....
New York.....	★
North Carolina.....	★	★
North Dakota(c).....
Ohio(c).....	★
Oklahoma.....
Oregon.....	★	★
Pennsylvania.....	★	★
Rhode Island(c).....
South Carolina.....	★
South Dakota(c).....
Tennessee.....	★	★
Texas.....	★
Utah.....	★
Vermont.....	★	(a)	.....	.....	.....	.....	.....	.....	.....
Virginia.....	★
Washington.....
West Virginia.....	No state board	.....	.....	.....	.....	.....	.....	.....
Wisconsin.....	★
Wyoming.....
Total.....	3	12	30	32	8	5	31	18	11	27	8	5

*Sources: Adapted from the Council of State Governments, *The Forty-eighth State School Systems, 1949*, Tables 11 and 12 (data for Alaska and Hawaii since added); National Association of State Boards of Education for 1975 information.

(a) With Senate approval.

(b) Also has an appointed secretary of education in the

Governor's Cabinet.

(c) No state board in 1947.

(d) With advice of the state board of education and consent of the Council.

(e) Board of Regents.

(f) With the approval of the Governor.

Adapted from The Book of the States: 1976-1977

(21 vols.; Lexington, Kentucky: the Council of State Governments, 1935-1976), XXI, p. 324.)

Summary

By no means has this report dealt with all governance problems. It is simply an attempt to focus on some of the major concerns deserving general attention. Still to be resolved are questions of coordination of vocational education programs at the community colleges where supervision is divided between the Board of Public Education, the Superintendent of Public Instruction, the Regents and community college boards of trustees. In addition, there remain unanswered questions about financial reimbursement to secondary school vocational education programs. These questions will demand thorough examination as the Education Committee moves from general to specific problems.

Finally, it should be noted that some progress is being made in vocational education governance. The recently adopted (December 14, 1976) written Board of Public Education Policy Manual should help the Board articulate and clarify vocational education policies. Also, the written policy manual will allow the Board to evaluate better the effectiveness of their policies. In addition, the attitude of the new Superintendent seems to have reduced the level of discord in the governance debate. But much remains to be done to satisfy the demands of Montanans interested in effective and worthwhile vocational education programs.



FOOTNOTES

¹Montana. Office of the Superintendent of Public Instruction, Montana Vocational Education: 1976 (Helena, Montana: November, 1976), p. 11.

²Ibid., pp. 1-2.

³Roald F. Campbell and Tim L. Mazzoni, Jr., State Policy Making for Public Schools (Berkeley, California: McCutchan Publishing Corporation, 1976), p. 50.

⁴1972 Montana Constitution, Article X, section 9(1). See also Board of Public Instruction v. Judge, 538 P. 2d 11, 14 (Montana, 1975).

⁵Ibid., (2)(a).

⁶75-8103, R.C.M. 1947.

⁷1972 Montana Constitution, Article X, section 9, (3)(a).

⁸Public Law, 94-482, section 104, (a)(1).

⁹Montana. Commission of Post-Secondary Education, Report (Helena, Montana: 1974).

¹⁰Montana. Commission on Post-Secondary Education, Draft Report (Helena, Montana: 1974), p. 32.

¹¹Ibid., p. 32.

¹²Ibid., p. 32. Emphasis added.

¹³Independent Record (Helena), May 26, 1977, p. 16.

¹⁴Missoulian, September 13, 1977, p. 1.

¹⁵ Roald F. Campbell and Tim L. Mazzoni, Jr., State Governance Models for the Public Schools (Columbus, Ohio: Ohio State University, Education Governance Project, August, 1974), p. 18.

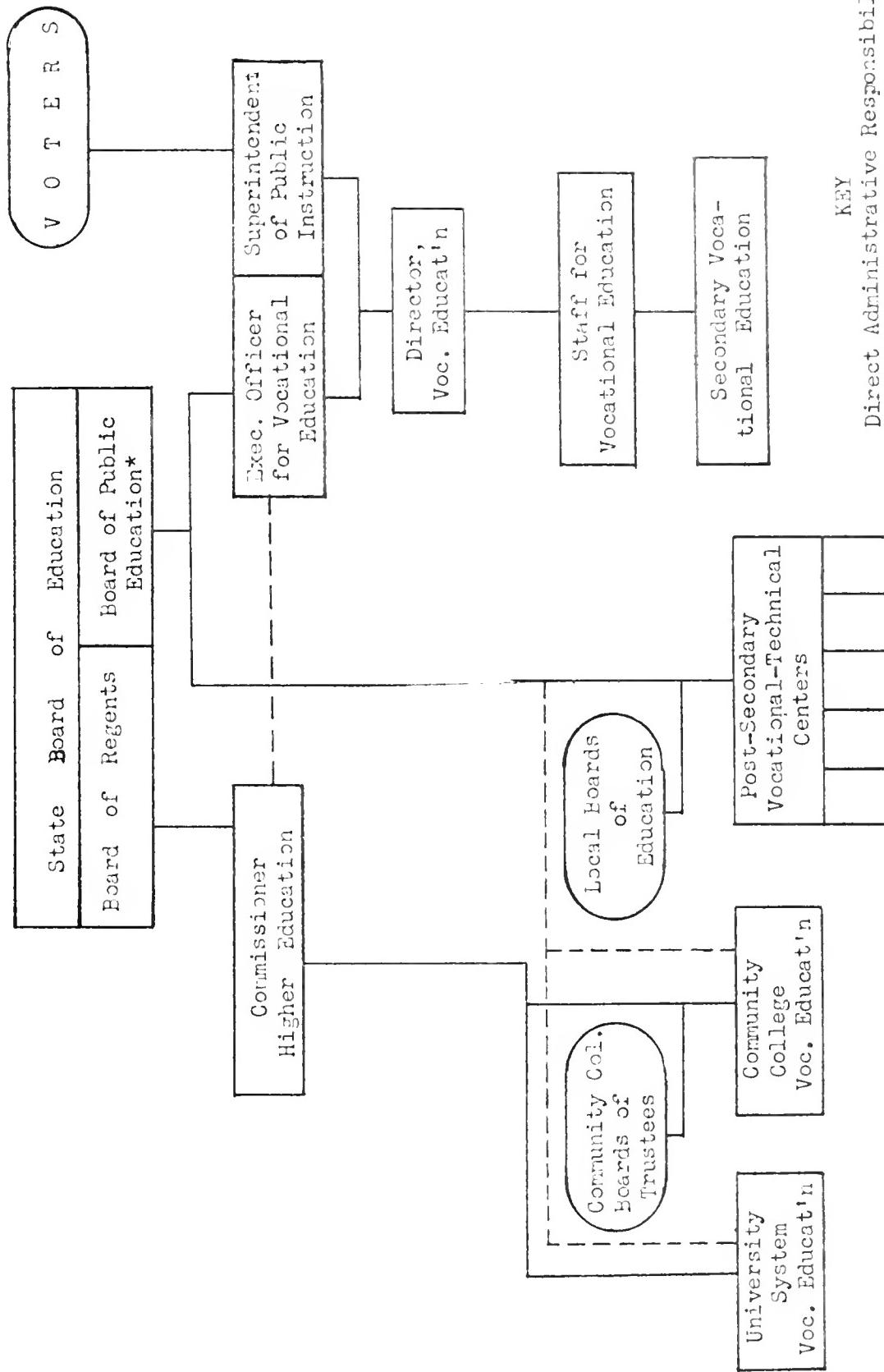
¹⁶ See, Bruce Sievers, Montana Constitutional Convention, 1971-1972: Education, Constitutional Convention study #17, prepared by the Constitutional Convention Commission.

A P P E N D I C E S



**FUNCTIONAL CHARGE OF VOCATIONAL
EDUCATION IN MONTANA**

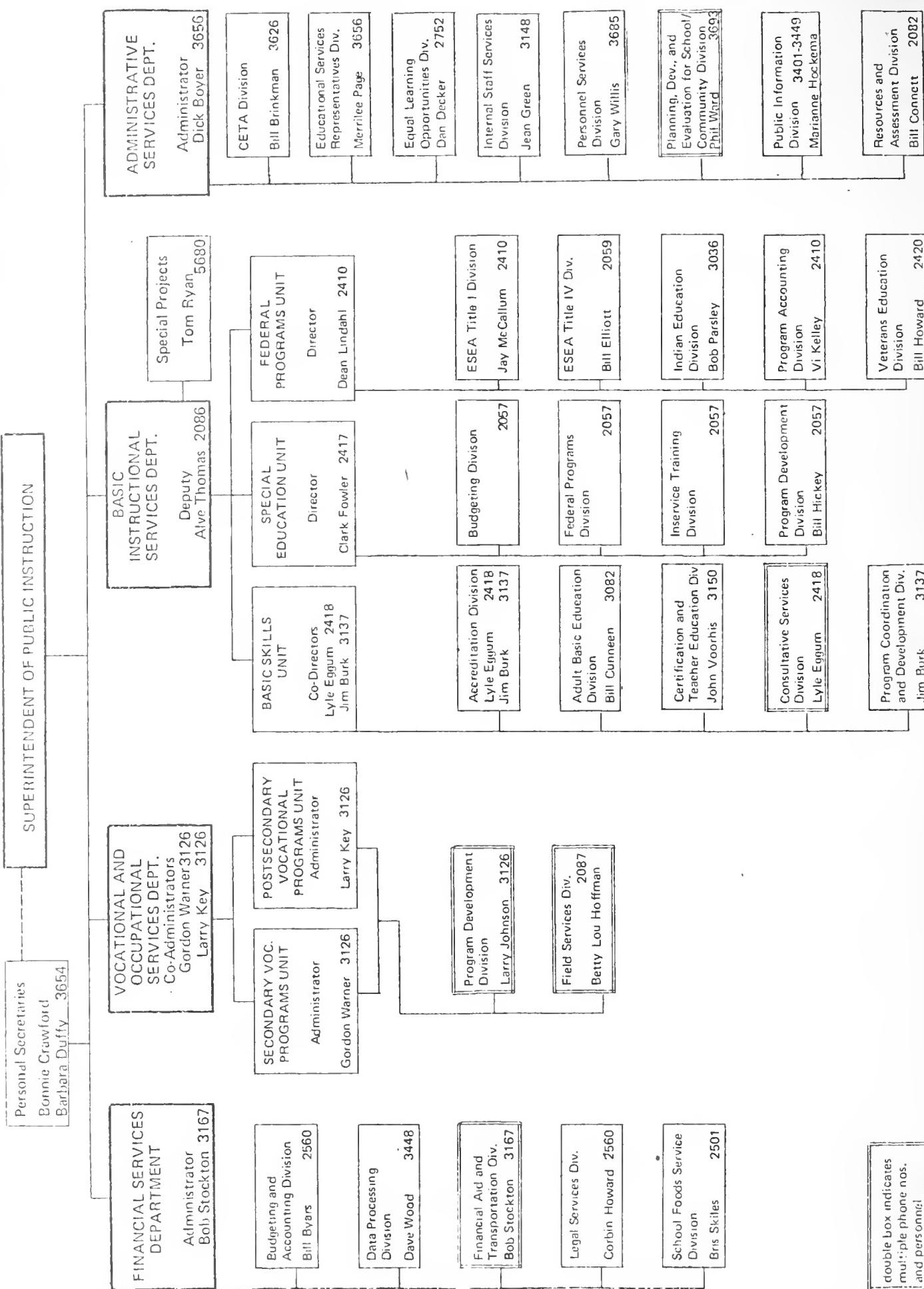
Adapted from Montana Advisory Council
for Vocational Education, Governance
of Montana's Vocational Education
(Helena, Montana: April 6, 1977), p. 1.



Indirect, Secondary Authority,
Budgetary Responsibility

Budgetary Responsibility

*Legally designated Board for
Vocational Education.



Structural Features of State Boards of Education, 1972

State	Selection			Term of office (years)	Compensation		Augmented jurisdiction			
	Elected	Governor appointed	Ex officio		Membership	Per diem	Expenses	Vocational education	Vocational rehabilitation	Higher education
Alabama	p ^a	-	-	8 + 2X	4	X	X	yes	yes	no
Alaska	-	X	-	7	5	X	X	yes	yes	no
Arizona	-	X	-	8 + 1X	4	-	X	yes	yes	no
Arkansas	-	X	-	9 + 1X	9	X	X	yes	no	no
California	-	X	-	10	4	-	X	yes	yes	no
Colorado	p	-	-	5	6	-	X	no	no	no
Connecticut	-	X	-	9 + 1X	6	-	X	yes	yes	no
Delaware	-	X	-	6 + 2X	3	X	X	yes	no	no
Florida	-	-	X	7X	4	-	X	yes	no	no
Georgia	-	X	-	10	7	X	X	yes	yes	no
Hawaii	p	-	-	11	4	X	X	no	no	no
Idaho	-	X	-	7 + 1X	5	X	X	yes	yes	yes
Illinois	-	X	-	17	6	X	X	yes	no	no
Indiana	-	X	-	18 + 1X	4	X	X	no	no	no
Iowa	-	X	-	9	6	X	X	yes	yes	no
Kansas	p	-	-	10	4	X	X	yes	no	no
Kentucky	-	X	-	7 + 1X	4	X	X	yes	yes	no
Louisiana	p	-	-	11 + 1X	6, 8 ^b	X	X	yes	yes	no
Maine	-	X	-	9	5	X	X	yes	no	no
Maryland	-	X	-	7	5	-	X	yes	yes	no
Massachusetts	-	X	-	11 + 3X	5	-	X	yes	no	no
Michigan	p	-	-	8 + 2X	8	X	X	yes	yes	no
Minnesota	-	X	-	9	6	X	X	yes	yes	no
Mississippi	-	-	X	3X	4	-	X	yes	yes	no
Missouri	-	X	-	8	8	X	X	yes	yes	no
Montana	-	X	-	8 + 3X	8	X	X	yes	yes	no
Nebraska	np	-	-	8	4	-	X	yes	yes	no
Nevada	np	-	-	9	4	-	X	yes	no	no
New Hampshire	-	X	-	7	5	-	X	yes	yes	no
New Jersey	-	X	-	12 + 2X	6	-	X	yes	no	no
New Mexico	p	-	-	10	6	X	X	yes	yes	no
New York	Leg. ^c	-	-	15	15	-	X	yes	yes	yes
North Carolina	-	X	-	11 + 2X	8	X	X	yes	no	no
North Dakota	-	X	-	7 + 1X	6	X	X	yes	yes	no
Ohio	np	-	-	23	6	X	X	yes	yes	no
Oklahoma	-	X	-	6 + 1X	6	X	X	no	no	no
Oregon	-	X	-	7	7	X	X	yes	no	no
Pennsylvania	-	X	-	17	6	-	X	yes	no	yes
Rhode Island	-	X	-	9	4	-	X	yes	no	yes
South Carolina	Leg. ^d	-	-	16	4	X	X	yes	no	no
South Dakota	-	X	-	7	5	X	X	yes	yes	no
Tennessee	-	X	-	12 + 3X	9	X	X	yes	yes	no
Texas	p	-	-	24	6	-	X	yes	yes	no
Utah	np	-	-	11	4	X	X	yes	yes	no

State	Selection				Term of office (years)	Compensation		Augmented jurisdiction		
	Elected	Governor appointed	Ex officio	Member-ship		Per diem	Expenses	Voca-tional educa-tion	Voca-tional rehабili-tation	Higher edu-ca-tion
Vermont	—	X	—	7	6	X	X	yes	yes	no
Virginia	—	X	—	9	4	X	X	yes	no	no
Washington	Local boards	—	—	14 + 1X	6	—	X	no	no	no
				9 + 2X	9	X	X	yes	yes	no
West Virginia	—	X	—	—	—	—	—	—	—	—
Wisconsin ^e	—	—	—	—	—	—	—	—	—	—
Wyoming	—	X	—	9 + 1X	6	X	X	yes	no	no

^ap = partisan election; np = nonpartisan election

^bSome six and some eight year terms

^cElected by legislature

^dElected by legislative delegation

^eNo state board for elementary and secondary education

^fVocational rehabilitation was recently removed from the board

Sources: Most of these data are from Harris, *State Departments of Education*. For Illinois, recent constitutional and statutory changes were examined.

Source: Roald F. Campbell and Tim L. Mazzoni, Jr., State Policy Making for Public Schools (Berkeley, California: McCutchan Publishing Corporation, 1976), pp. 288-290.

Structural Features Pertaining to CSSO's, 1972

State	Legal basis		Method of selection			Term	Relationship to board	
	Constitu-tional	Statu-tory	Elected	Appointed by SBE	Appointed by governor		Ex officio member	Capacity
Alabama	X		-	X	-	Pleasure of SBE	Yes	Secretary and executive officer
Alaska		X	-	X	-	Not to exceed 5 years	No	
Arizona	X		p	-	-	4 years	Yes	Executive officer
Arkansas		X	-	X	-	Pleasure of governor	Yes	Ex officio secretary
California	X		np	-	-	4 years	No	Secretary and executive officer
Colorado	X		-	X	-	Pleasure of SBE	No	Secretary
Connecticut		X	-	X	-	Pleasure of SBE	No	Secretary
Delaware		X	-	X	-	1 year	No	Executive secretary
Florida	X		p	-	-	4 years	Yes	Secretary and executive officer
Georgia	X		p	-	-	4 years	No	Executive officer
Hawaii	X		-	X	-	Pleasure of SBE	No	Secretary
Idaho	X		p	-	-	4 years	Yes	Administrative officer
Illinois	X		-	X	-	3 years	No	Executive officer
Indiana	X		p	-	-	2 years	Yes	Chairman of Board commissions
Iowa		X	-	X	-	4 years	No	Executive officer
Kansas	X		-	X	-	Pleasure of SBE	No	Executive officer
Kentucky	X		p	-	-	4 years	Yes	Executive officer
Louisiana	X		p	-	-	4 years	Yes	Secretary and executive officer
Maine		X	-	-	X	Coterminous with governor	No	Secretary
Maryland		X	-	X	-	4 years	No	Chief executive, secretary, and treasurer
Massachusetts		X	-	X	-	Pleasure of SBE	No	Chief executive officer and secretary
Michigan	X		-	X	-	Pleasure of SBE	Yes	Chairman
Minnesota		X	-	X	-	4 years	No	Executive officer and secretary
Mississippi	X		p	-	-	4 years	Yes	Chairman
Missouri	X		-	X	-	Pleasure of SBE	No	Chief administrative officer
Montana	X		p	-	-	4 years	Yes	Secretary
Nebraska	X		-	X	-	Pleasure of SBE	No	Executive officer and secretary
Nevada	X		-	X	-	Pleasure of SBE	No	Secretary
New Hampshire		X	-	X	-	Pleasure of SBE	No	Chief executive officer and secretary
New Jersey		X	-	-	X	5 years	No	Official agent and secretary
New Mexico	X		-	X	-	Pleasure of SBE	No	Chief administrative officer
New York	X		-	X	-	Pleasure of regents	No	Chief administrative officer
North Carolina	X		p	-	-	4 years	No	Secretary and administrative officer
North Dakota	X		np	-	-	4 years	Yes	Executive director and secretary
Ohio	X		-	X	-	Pleasure of SBE	No	Secretary, executive and administrative officer
Oklahoma	X		p	-	-	4 years	Yes	President and executive officer
Oregon	X		np	-	-	4 years	No	Legislative liaison and executive officer

State	Legal basis		Method of selection			Term	Relationship to board	
	Constitu-tional	Statu-tory	Elected	Appointed by SBE	Appointed by governor		Ex officio member	Capacity
Pennsylvania	X		—	—	X	Pleasure of governor	No	Chief executive officer
Rhode Island		X	—	X	—	Pleasure of regents	No	Executive officer
South Carolina	X		p	—	—	4 years	No	Secretary and administrative officer
South Dakota	X		np	—	—	2 years	No	Secretary and executive officer
Tennessee		X	—	—	X	Pleasure of governor	Yes	Chairman
Texas		X	—	X	—	4 years	No	Executive secretary
Utah	X		—	X	—	Pleasure of SBE	No	Executive officer
Vermont		X	—	X	—	Pleasure of SBE	No	Chief executive officer and secretary
Virginia	X		—	—	X	Coterminous with governor	No	Secretary
Washington	X		np	—	—	4 years	Yes	President; administrative officer
West Virginia	X		—	X	—	Pleasure of SBE	Yes	Chief executive officer
Wisconsin	X		np	—	—	4 years	No SBE	No SBE
Wyoming	X		p	—	—	4 years	Yes	Assists board
TOTALS	35	15	19	26	5			

Sources: Harris, *State Departments of Education*, and recent constitutional and statutory changes in Illinois.

Source: Roald F. Campbell and Tim L. Mazzoni, Jr., State Policy Making for Public Schools (Berkeley, California: McCutchan Publishing Corporation, 1976), pp. 293-296.

No handle on funding - local support much less than state + federal

State Bd. legal opinion says they can't tell vocational centers set salaries?

Bargaining unit by school bd. has to be completed for levy vote.
before legislative funds. each center puts about \$150,000 - 200,000 additional
money from school districts. Center heads responsible for + to Super. + board.

There is only a county proportion for community colleges + out-of-county
do not pay basic costs.

In report by John HaJaver that leg. would cut off secondary
secondary schools feel that Post. secondary got the money.

Decreasing enrollment causes lack of money for local districts.

Voc Ed will be cut because there are not mandated now. local levies
can be raised by vote.

Career Ed gets smattering not like Voc Ed.